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Washington, DC 20515

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The Honorable Julius Genachowski, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

0500

May 15, 2013

RE: Protecting unlicensed spectrum

Dear Chairman Genachowski,

Unlicensed spectrum is a critical source of innovation in advanced communication. Unlicensed use of the 902-928 MHz band includes RFID tags, EZ Pass and FastTrack transponders, electric utility smart meters, and headsets used in high density call centers and stock market trading floors. The contribution of these technologies to the business community and the economy as a whole cannot be overstated, and the FCC should clearly and objectively understand the risks before licensing commercial operation of any equipment that puts the use of unlicensed spectrum in jeopardy.

I have heard concerns from constituents regarding Progeny's request before the FCC for authority to begin commercial operations on the 902-928 MHz band to provide location services under its M-LMS licenses. Several of these impacted companies have warned that the Progeny equipment interferes with communications of existing unlicensed equipment on the 902-928 MHz band.

It is important that the 902-928 MHz band remain available for unlicensed devices. Progeny's location service should not be approved if it causes unacceptable levels of interference to unlicensed services. I understand that FCC's rules require an M-LMS licensee to demonstrate through cooperative field tests that operation of its system would not cause unacceptable levels of interferences to unlicensed use in the band before commencing operations. Before allowing Progeny to begin commercial operations on the 902-928 MHz band, I urge the FCC to ensure, through objective testing, that Progeny's equipment does not cause unacceptable

interference with the providers of equipment and services that are raising interference concerns.

A handwritten signature in blue ink, reading "Zoe Lofgren", with a long horizontal flourish extending to the right.

Best regards,
Zoe Lofgren
Member of Congress, CA-19

cc:
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Ruth Milkman, FCC Wireless Technology Bureau
Julius Knapp, FCC Office of Engineering Technology



FEDERAL COMMUNICATIONS COMMISSION

June 27, 2013

Mignon L. Clyburn
Acting Chairwoman

The Honorable Zoe Lofgren
U.S. House of Representatives
1401 Longworth House Office Building
Washington, D.C. 20515

Dear Congresswoman Lofgren:

Thank you for your letter regarding Progeny LMS, LLC. I appreciate your interest in this matter and am pleased to provide the enclosed letter on this issue from the Chief of the FCC's Office of Engineering and Technology.

If you have any additional questions or need any further assistance, please do not hesitate to contact me.

Sincerely,

Mignon L. Clyburn

Enclosure



Federal Communications Commission
Washington, D.C. 20554

June 27, 2013

The Honorable Zoe Lofgren
U.S. House of Representatives
1401 Longworth House Office Building
Washington, D.C. 20515

Dear Congresswoman Lofgren:

Thank you for your letter to former chairman Julius Genachowski dated May 15, 2013 regarding Progeny LMS, LLC's petition to commence commercial operations of its position location service in the 902-928 MHz band. You request that the Commission ensure that the 902-928 MHz band remain available for use by unlicensed devices.

Progeny is a licensee in the Multilateration Location and Monitoring Service (M-LMS) in the 902-928 MHz band that is also available for use by unlicensed devices under Part 15 of the Commission's rules. As a general matter, users of Part 15 devices are required to accept interference caused by licensed operations. As you point out, the M-LMS rules require licensees such as Progeny to demonstrate through actual field tests that their operation will not cause unacceptable levels of interference to Part 15 devices.

Progeny has performed field testing as required by the rules and submitted the results of four sets of field tests to the Commission. Based on the Commission's evaluation of these tests, the Commission determined that Progeny has met the necessary requirements for commencing commercial operations of its position location service, subject to certain specified conditions. In particular, this approval is conditioned on Progeny's providing public notifications concerning its deployment, establishing processes to address interference concerns, and submitting reports over the next 18 months on any interference complaints that it may receive. The Commission plans to closely monitor ongoing developments as Progeny deploys its network and stands ready to take any steps necessary to promote the co-existence of Progeny's licensed service and unlicensed operations in the band.

I appreciate your interest in this very important matter. A copy of the Commission's order is attached. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in dark ink, reading "Julius P. Knapp", is written over a printed name and title.

Julius P. Knapp
Chief,
Office of Engineering and Technology